IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	R. Fischer et al.
Serial No.	:	10/567,788
Filed	:	February16, 2007
For	:	4-BIPHENYL-SUBSTITUTED-PYRAZOLIDIN-3,5-DIONE DERIVATIVES
Group Art Unit	:	1626
Examiner	:	CHU, YONG LIANG

DECLARATION

Dr. Wolfgang Thielert hereby declares:

- that he is an agronomist having studied at the University of Bonn, Germany;
- that he received his doctor's degree in agriculture at the University of Bonn, Germany in 1984;
- that he entered the employ of Bayer in 1984;
- that he has specialized in plant protection (phytopharmacology);
- that the following tests have been carried out under his supervision and direction

Insecticide examples of BCS 03-3047

Example No. 1

Phaedon cochleariae - test (PHAECO spray application)

Solvent:	78.0	parts by weight of acetone
	1.5	parts by weight of dimethylformamide
Emulsifier:	0.5	parts by weight of alkylaryl polyglycolether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

Chinese cabbage (*Brassica pekinesis*) leaf-disks are sprayed with a preparation of the active ingredient of the desired concentration. Once dry, the leaf disks are infested with mustard beetle larvae (*Phaedon cochleariae*).

After the specified period of time, mortality in % is determined. 100 % means that all beetle larvae have been killed and 0 % means that none of the beetle larvae have been killed.

In this test, for example, the following compounds showed activity, compared to the prior state of the art: see list

Example No. 2

Spodoptera frugiperda -test (SPODFR spray application)

Solvent:	78.0 parts by weight acetone
	1.5 parts by weight dimethylformamide
Wetting agent	0.5 parts by weight alkylarylpolyglcolether

To produce a suitablele preparation of the active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is dilutes with emulsifier-containing water to the desired concentration.

Maize (*Zea mais*) leaf sections are sprayed with a preparation of the active ingredient of the desired concentration. Once dry, the leaf sections are infested with fall armyworm larvae (*Spodoptera frugiperda*).

After the specified period of time,mortality in % is determined. 100 % means that all caterpillars have been killed and 0 % means that none of the caterpillars have been killed.

In this test, for example, the following compounds showed activity, compared to the prior state of the art: see list

Example No. 3

Myzus persicae – test; (MYZUPE spray application)

Solvent: 78.0 parts by weight acetone

1.5 parts by weight dimethylformamide

Wetting agent: 0.5 parts by weight alkylarylpolyglcolether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

Chinese cabbage (*Brassica pekinesis*) leaf–disks infected with all instars of the green peach aphid (*Myzus persicae*), are sprayed with a preparation of the active ingredient at the desired concentration.

After the specified period of time, mortality in % is determined. 100 % means that all aphids have been killed; 0 % means that none of the aphids have been killed.

In this test, for example, the following compounds showed activity, compared to the prior state of the art: see list

BCS 03-3047- Compound	Exam. No.	1. PHAECO g/ha	1. PHAECO % 7 d	2. SPODFR g/ha	2. SPODFR % 7 d	3. MYZUPE g/ha	3. MYZUPE % 5 d
according to invention	I-2-a-35	100	100	100	67		
known	I-a-14 WO01/17973	100	0	100	0		
according to invention	I-1-a-35	500	100	500	100	500	100
known	I-b-41 WO01/17973	500	67	500	0	500	0
according to invention	I-1-a-34	500	100			500	90
known	I-b-29 WO01/17973	500	0			500	0

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6.3.2009 Wolfgang Thielert

Date Dr. Wolfgang Thielert